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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,196	08/15/2000	Arto Palin	08212/0200342-US0	1563

38879 7590 06/02/2005

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EXAMINER

NGUYEN, HAU H

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/639,196	PALIN, ARTO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hau H Nguyen	2676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,10,13,19,20,22,23 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,11,12,14-18,21,24-29 and 31-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed February 04, 2005, with respect to the rejections of claims 1-36 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Allport (U.S. Patent No. 6,097,441).

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has included the features "a display" (line 1) and "a display device" (line 5); "a receiver" (line 2), and "a receiver" (line 6), which is unclear whether the display device or the receiver are the same or different components. Correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-2, 8-9, 11-12, 14-17, 24-28, 31-32, 34-36, are rejected under 35 U.S.C. 102(e) as being anticipated by Allport (U.S. Patent No. 6,097,441).

Referring to claims 1, 17, 26, 28, 34, and 35, Allport teaches hand-held, portable remote control with an integrated video display capable of displaying full motion video (a mobile terminal having a display) in combination with hardware and/or software that enables interaction between the TV or other primary display screen (a display device) and the hand-held display. The hardware may include an integrated TV tuner and/or various data communication ports (col. 3, lines 48-62, Figs. 1-3). Allport also teaches a base station 75, which may be implemented as an integrated part of the remote control 10 (col. 9, lines 19-23), can receive various signals (data streams) 85 from various sources from broadcast TV, cable TV, satellite TV, a VCR, a laser disc, a DVD, or any other source, they may be analog or digital, and they may contain embedded data (col. 9, lines 45-51). Allport further teaches for applications where embedded data is to be separated from the signal 90 or other data 95, the remote control 10 may request that the embedded data be sent to itself while the main portion of signal 90 or data 95 is transmitted to the TV 80 (splitting first and second data, and transmitting second data). For example, a broadcast TV signal 85 may contain VBI-embedded data that is related to the program being broadcast, such as biographies of the actors, information about upcoming episodes, historical facts, etc. The user could then browse the VBI-embedded data on the remote control 10 (receiving and display graphic information in the first format) while viewing the program on the primary viewing screen of the TV 80 (receiving and displaying graphic information in the second format) (col. 12, lines 11-21).

In regard to claims 2, 24, 31, and 32, Allport teaches communications from the remote control 10 to the TV 80 (as indicated by arrow 120) are preferably by standard control IR (col. 10, lines 35-37), and thus is compliant with the wireless application protocol.

As for claim 8, as cited above, since Allport teaches the communication link between the mobile device and the external display device (i.e. TV), it is inherent that the TV should inform the mobile device the display capability of the TV.

In regard to claims 9, 12, 16 and 36, Allport teaches the mobile device (described above) can function as a video phone system (col. 5, lines 5-22), and thus including a cellular telephone network. As cited above, Allport teaches means for splitting the first and second data so that the first data is used at the mobile device, and the second data is used at the external display device.

Referring to claim 11, as cited above, Allport teaches the mobile device is capable of displaying full motion video. Therefore, if the telephone network transmits additional data to the mobile device, the mobile device can display the first and second data.

As for claim 14, Allport teach for users with ATVs (advanced TVs), the remote control 10 needs only to have the capability of receiving and displaying complex data streams, and needs no additional communication ports other than a control IR port for sending IR commands (col. 9, lines 20-34). Thus, the remote control may not have the capability of displaying the graphics information in the second format.

In regard to claims 15 and 25, as shown in Fig. 3, Allport teaches the base station including memory chips 200 and 205 are RAM chips used for working memory (col. 14, lines 31-37) (buffering incoming graphics information).

In regard to claim 27, although it is not explicitly stated, the wireless communication link as taught by Allport should inherently include an access code to recognize which mobile device is in communication, and a header to establish the communication link between the mobile device and the external display in order to transfer second display data (payload).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-7, 21, 29, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (U.S. Patent No. 6,097,441) in view of Thomas et al. (U.S. Patent No. 6,453,160).

Referring to claims 5-7, 21, 29, and 33, as applied to claims 2, 9, 28, and 32 above, Allport teaches all the limitations of claims 5-7, 21, 29, and 33, except for the wireless short range communication link is a Bluetooth link.

However, Bluetooth wireless technology is well known in the art for providing wireless communication link, as is described in U.S. Patent No. 6,453,160 to Thomas et al. As shown in Fig. 2, Thomas et al. teach a wireless data system 200 including a wireless network 209, a data server 212 (such as, for example, a gaming server), a plurality of base stations 206, a plurality of handheld wireless devices 202 (such as first and second wireless devices shown in FIG. 2), and a broadcast transmitter 215. A handheld wireless device 202 may include, for example, cellular phones, pagers, radios, personal digital assistants (PDAs), etc. (col. 2, lines 53-63). Thomas et al.

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further teach the broadcast transmitter 215 may use any available channel format or access format, such as time division multiple access (TDMA), frequency division multiple access (FDMA), code division multiple access (CDMA), Bluetooth, etc. (col. 4, lines 22-32).

Therefore, it would have been obvious to one skilled in the art to utilize the transmitter using Bluetooth link as taught by Thomas et al. in combination with the communication system as taught by Allport in order to obtain an improved digital data transfer method and apparatus for conducting a digital data transfer over a wireless network (col. 2, lines 25-28).

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (U.S. Patent No. 6,097,441) in view of Segal et al. (U.S. Patent No. 6,765,557).

Referring to claim 18, as cited above, Allport teaches all the limitations of claim 18, except that the mobile terminal further comprises means for dividing a screen of the display into different portions, which are separately controlled.

However, Segal et al. teach a remote control device that can divide the screen of the external display device into different portions and separately control each portion (Fig. 5A).

Therefore, it would have been obvious to one skilled in the art to utilize the method as taught by Segal et al. in combination with the method as taught by Allport in order to allow the operator to select control function entries of the panels and menus displayed on display screen 16 while remaining visually focused on the display screen (col. 4, lines 39-44).

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***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau H. Nguyen whose telephone number is: 571-272-7787. The examiner can normally be reached on MON-FRI from 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

or faxed to:

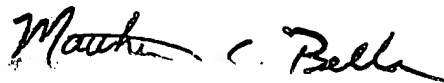
(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571)-272-2600.

H. Nguyen

05/24/2005



**MATTHEW C. BELLA  
SUPERVISORY EXAMINER  
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